

AMENDMENT

Patent Application Serial No. 10/829,514
Reply to Office Action of May 9, 2006

Attorney Docket No.: Case 7028

Amendment to the Drawings:

The attached sheet of drawings includes new Fig. 3. In Figure 3, previously omitted elements 10 and 15 have been added.

Attachment: New Sheet

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NOV 07 2006**REMARKS / ARGUMENTS:**

The Examiner's Office Action mailed May 9, 2006 has been carefully reviewed. Reconsideration of this application, in view of the above amendments and the following remarks is respectfully requested.

The Examiner has objected to the drawings under 37 CFR 1.83(a). Examiner states the drawings must show every feature of the invention specified in the claims, concluding that the "a second longitudinal slit" must be shown or the feature canceled from the claims.

Applicants have amended the present application by adding FIG 3. The New Sheet clearly identifies the claimed feature "a second longitudinal slit" with numeral 15. For clarity element 14, "a first longitudinal slit" is also shown. Applicants submit that the addition of New Sheet Figure 3 does not add any new subject matter to the present application. The claimed feature "a second longitudinal slit" is disclosed in paragraph [0024] of the specification in addition to Claims 3, 7, and 16.

Applicants have further amended Paragraphs [0020], and [0024] to align the description of the drawings with the previously omitted drawing element of "a second longitudinal slit".

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The Examiner has objected to the specification, stating the claimed feature, "a second longitudinal slit" is not disclosed in the specification. Applicants believe Examiners rejection is in error and draw Examiners attention to paragraph 24 of the specification, wherein the first sentence provides "In another embodiment the sleeve may contain one or more splits along its longitudinal axis". Applicants believe that, by describing one or more splits along the longitudinal axis, the first sentence of paragraph 24 discloses the claimed feature of "a second longitudinal slit".

Examiner has rejected claim 13 and 15 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended Claims 13 and 15 to distinctly claim the subject matter which applicant regards as the invention.

Examiner has rejected claims 1 and 5 under 35 U.S.C. 102(b) as being anticipated by Arai (5,937,686). Applicants have canceled claims 1 and 5.

Examiner has rejected claims 1, 4-5, and 8-9 under 35 U.S.C. 103(a) as being unpatentable over Buy et al. (5,765,285) in view of Talley et al. (5, 315, 852). Examiner has further rejected claims 4 and 8-9 under 35 U.S.C. 103(a) as being unpatentable over Arai (5,937,686) in view of Buy (5,765,285).

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Examiner has also rejected claims 10 and 12 under 35 U.S.C. 103(a) as being unpatentable over Arai (5,937,686) in view of Huet (2,882,953). Examiner further rejected claims 11 and 13 under 35 U.S.C. 103(a) as unpatentable over Arai (5,937,686) and Huet (2,882,953) as applied to claims 10, 12 and 14, in further view of Buy et al (5,765,285).

Examiner has objected to claims 2-3, 6-7, and 16 as being dependent upon a rejected claim basis but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants have amended Claim 1 to include all the limitations of allowable Claim 2 and any intervening claims, thereby placing Claim 1 in condition for allowance. Claims 3 and 4, by virtue of their dependence on allowable Claim 1, are also in condition for allowance. As all limitations of Claim 2 have been included in Claim 1 as amended, Claim 2 has been canceled.

Applicants have amended Claim 5 to include all the limitations of allowable Claim 6 and any intervening claims, thereby placing Claim 5 in condition for allowance. Claims 7-13, by virtue of their dependence on allowable Claim 5, are also in condition for allowance. As all limitations of Claim 6 have been included in Claim 5 as amended, Claim 6 has been canceled.

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Claim 14 is allowed, and claim 15 has been amended to overcome rejection under 35 U.S.C. 112, 2nd paragraph. Applicants submit that Claim 16, by virtue of its dependence on allowable Claim 14 and amended intervening Claim 15, is also in condition for allowance.

Accordingly, applicant respectfully submits that claims 1, 3-5, and 7-16, as presented, are patentably distinct and nonobvious over the prior art references, taken separately or in combination. Applicant has endeavored to make the foregoing response sufficiently complete to permit prompt, favorable action on the subject patent application. In the event the Examiner believes, after consideration of this response, that the prosecution of the subject patent application would be expedited by an interview, the Examiner is invited to contact the undersigned at (330) 860-6605.

Respectfully submitted,

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